



DEPARTMENT OF

## Professional & Financial Regulation

STATE OF MAINE

- OFFICE OF SECURITIES
- BUREAU OF INSURANCE
- CONSUMER CREDIT PROTECTION
- BUREAU OF FINANCIAL INSTITUTIONS
- OFFICE OF LICENSING AND REGISTRATION

### Request for Information from Interested Parties:

#### Sunrise Review for LD 1241

*“Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades”*

Department of Professional and Financial Regulation  
Office of the Commissioner  
June 12, 2009

## *Sunrise Review Survey: Regulation of Certain Mechanical Trades*

Please return the completed survey to the Commissioner's Office by July 20, 2009. You may respond to any or all questions. The survey should be e-mailed to Doug Dunbar, Assistant to the Commissioner. The address is [doug.dunbar@maine.gov](mailto:doug.dunbar@maine.gov). An electronic version of the survey is available by contacting the Commissioner's Office at (207) 624-8511.

Completed by: Ken Brousseau/Branch Manager

On behalf of: KINETICS

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Date: July 23, 2009

### General Information

1. Group or organization you represent: **Mechanical Contractor**
2. Position on proposed legislation. Does this group or organization support or oppose state regulation of certain mechanical trades (*pipefitters, refrigeration technicians and contractors, fire protection sprinkler fitters and contractors, sheet metal workers and contractors, and mechanical contractors*)?

**We are in support of this legislation**

### Evaluation Criteria (32 M.R.S.A. § 60-J)

1. Data on group proposed for regulation. Please provide a description of the professional or occupational group proposed for regulation, including:  
**Mechanical Trades (HVAC-Sheet Metal, Piping & Plumbing)**
- (a) The number of individuals or business entities that you believe would be subject to regulation (if possible, please provide a breakdown or information specific to each trade);

**HVAC- Sheet Metal (20)**  
**Piping (20)**

(b) The names and addresses of associations, organizations and other groups representing potential licensees (if possible, please provide information specific to each trade); and

(c) An estimate of the number of potential licensees in each group.

2. **Specialized skill.** Please describe whether the work of these certain mechanical trades requires such a specialized skill that the public is not qualified to select a competent individual without assurances that minimum qualifications have been met (if possible, please address each trade separately).

**HVAC- Sheet Metal---Yes, this trade should be subject to licensing**  
**Piping--- Yes, this trade should be subject to licensing**

3. **Threat to public health, safety, or welfare.** Please describe:

**Improper fabrication and/or installation by sheet metal workers and/or pipe fitters could definitely cause potential harm. The threat to the public's health, safety or welfare is very real and should be taken seriously.**

(a) The nature and extent of potential harm to the public, if any or all of these trades continue to be unregulated by the State (please be as specific as possible); and

(b) The extent to which there is a threat to the public's health, safety or welfare without state regulation (*Please provide evidence of the potential harm, including: a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against these trades--pipefitters, refrigeration technicians and contractors, fire protection sprinkler fitters and contractors, sheet metal workers and contractors, and mechanical contractors--in this State within the past 5 years*).

4. **Voluntary and past regulatory efforts.** Please provide a description of the voluntary efforts made by these trades to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public (if possible, please address each trade separately).

**Most of our sheet metal & piping employees go through an established apprenticeship program that is regulated by the state of Maine and provided by SMW LU 17 (sheet metal) and UA LU 716 (Piping). We continue to train our employees regularly, but all too often, this is still not enough to guarantee that every employee knows the proper methods or regulations that govern each trade.**

5. **Costs and benefits of regulation.** Please describe the extent to which regulation of these trades will increase the cost of services provided by them and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

**The cost to require licensing would be small and greatly outweigh the cost savings that would be generated by better running systems, longer lasting systems, and the reduction of repairs.**

6. **Service availability under regulation.** Please describe the extent to which regulation of these trades would increase or decrease the availability of services to the public.

**Not Sure**

7. **Existing laws and regulations.** Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from continued non-regulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

**Not enough inspectors to adequately monitor every project**

8. **Method of regulation.** Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

**License to practice would ensure that every employee knows and understands the proper codes affecting their trade.**

9. **Other states.** Please provide a list of other states that regulate any or all of these trades, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on these trades in terms of a before-and-after analysis.

**Not Sure**

10. **Previous efforts to regulate.** Please provide the details of any previous efforts in this State to implement regulation of these trades.

**Not Sure**

11. **Minimal competence.** Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

**No Response**

12. **Financial analysis.** Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by potential licensees through dedicated revenue mechanisms.

**Not Sure**

13. **Mandated benefits.** Please describe whether the profession or occupation plans to apply for mandated benefits.

**Not Sure**